

March 1, 2019

Re: UMB Bank, N.A., as Trustee v. Sanofi, Case No. 1:15-cv-08725-GBD

Dear Judge Lehrburger:

We write jointly on behalf of Plaintiff UMB Bank, N.A., as Trustee (“the Trustee”) and Defendant Sanofi, pursuant to the Sixth Amended Discovery Plan and Scheduling Order (ECF No. 224) requiring the parties to submit a status report to Your Honor every 60 days.

**I. Pending Motions**

There are no pending motions.

**II. Fact Discovery**

**A. Document Production**

The Trustee has completed its production of documents responsive to Sanofi’s requests.

Sanofi has completed its production of documents responsive to the Trustee’s requests.

The parties reserve their rights to challenge the completeness of each other’s document production.

**B. Depositions**

Fact depositions have been completed.

The parties continue to confer concerning Sanofi’s designation of prior deposition testimony as Rule 30(b)(6) testimony, and with respect to a single deposition errata.

**C. Subpoenas**

The Trustee has issued subpoenas for documents to third parties who provided services to Sanofi. Production of documents responsive to these third-party subpoenas is largely complete. The Trustee will continue to meet and confer with the subpoenaed parties regarding the adequacy of these productions.

Sanofi has issued subpoenas for documents to third party CVR holders Stonehill Master Fund Limited and Stonehill Institutional Partners, L.P. (collectively, “Stonehill”). Stonehill has produced documents in response to the subpoenas and served a privilege log. Sanofi is in the process of reviewing Stonehill’s production and privilege log and reserves its rights to challenge

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both the completeness of Stonehill's production and Stonehill's assertions of privilege. Sanofi also reserves the right to serve a deposition subpoena on Stonehill.

It is the Trustee's position that, pursuant to the Fifth and Sixth Amended Discovery Plans and Scheduling Orders, the time to complete fact discovery has expired, and the Trustee reserves the right to oppose any subpoenas that Sanofi may serve seeking additional depositions and fact discovery.

#### **D. Interrogatories and Requests for Admission**

Pursuant to Paragraph II.a.1. of the Fifth Amended Discovery Plan and Scheduling Order, on October 30, 2018, the parties served Interrogatories and Requests for Admission on each other. On December 20, 2018, the parties served on each other answers, responses, and objections to Interrogatories and Requests for Admission.

#### **III. Expert Discovery**

Expert discovery is proceeding as outlined in Paragraph II.a of the Sixth Amended Discovery Plan and Scheduling Order. Consistent therewith, Plaintiff identified seven expert witnesses and served seven written reports of such expert witnesses on January 25, 2019. Depositions of Plaintiff's expert witnesses, as well as the submission of Defendant's expert reports, will take place on or before April 5, 2019. Depositions of Defendant's expert witnesses and service of Plaintiff's rebuttal expert witness reports, if any, shall be completed by June 14, 2019. All expert depositions shall be completed by July 26, 2019.

#### **IV. Next Joint Status Letter**

The parties will submit their next joint status letter on Tuesday, April 30, 2019.

Respectfully submitted,

CAHILL GORDON & REINDEL LLP

s/ Charles A. Gilman  
Charles A. Gilman  
80 Pine Street  
New York, NY 10005  
Telephone: 212-701-3403  
[cgilman@cahill.com](mailto:cgilman@cahill.com)  
Attorneys for Plaintiff

WEIL, GOTSHAL & MANGES LLP

s/ John A. Neuwirth  
John A. Neuwirth  
767 5th Avenue  
New York, NY 10153  
Telephone: 212-310-8297  
[john.neuwirth@weil.com](mailto:john.neuwirth@weil.com)  
Attorneys for Defendant